

FILED

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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Intel Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

EDWARD RUSH, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

INTEL CORPORATION, a Delaware
corporation,

Defendant.

No. C-05-3277-MHP

**STIPULATION AND [PROPOSED]
ORDER TO STAY DATES, EVENTS
AND DEADLINES PENDING THE
OUTCOME OF THE MOTION TO
TRANSFER AND COORDINATE OR
CONSOLIDATE PURSUANT TO
28 U.S.C. § 1407**

WHEREAS, on August 11, 2005, Plaintiff filed the instant action in the Northern
District of California ("Rush Action");

WHEREAS, on or about July 11, 2005, the plaintiffs in *Brauch, et al. v. Intel
Corp.*, No. C 05-2743 (BZ) (N. D. Cal., filed July 5, 2005), a related matter, moved before the
Judicial Panel on Multi-District Litigation ("MDL"), to transfer and coordinate or consolidate for
pre-trial proceedings pursuant to 28 U.S.C. § 407 ("MDL Motion"), and the Rush Action has
been identified as a related action subject to that motion;

1 WHEREAS, on or about September 29, 2005, Judge Patel issued a Related Case
2 Order relating this case to an earlier filed case assigned to her, and canceling or staying certain
3 but not all dates, events and deadlines in the action;

4 WHEREAS, to date, a decision has not been rendered on the MDL Motion;

5 WHEREAS, the outcome of the MDL Motion will impact significantly the
6 schedule of this case;

7 THEREFORE, IT IS HEREBY STIPULATED, pursuant to Civil Local Rule 6-2,
8 by and among counsel for Plaintiff Rush, and counsel for Defendant Intel Corporation, that any
9 events, dates or deadlines set by the Local Rules or Federal Rules of Civil Procedure, including
10 the Local Rules for Alternative Dispute Resolution ("ADR Local Rules") and Federal Rules of
11 Civil Procedure 16 and 26, and any deadlines established in any case management order
12 applicable to this case should be stayed pending the outcome of the aforementioned MDL
13 Motion; and

14 IT IS FURTHER STIPULATED by the aforementioned parties that if a case
15 management conference is rescheduled by the Court, the parties shall adjust the dates for any
16 conference, disclosures or reports required by the Local Rules or Federal Rules of Civil
17 Procedure, including the ADR Local Rules and Federal Rules of Civil Procedure 16 and 26
18 accordingly.

19 IT IS HEREBY STIPULATED.

20 Dated: November 1, 2005

DRUMMOND & ASSOCIATES

21
22 By: /s/ Donald F. Drummond
Donald F. Drummond
23 Attorneys for Plaintiff
Edward Rush
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1 Dated: November 1, 2005

BINGHAM McCUTCHEN LLP

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3 By: /s/ Joy K. Fuyuno
4 Joy K. Fuyuno
5 Attorneys for Defendant
Intel Corporation

6 **[PROPOSED] ORDER TO STAY DATES, EVENTS AND DEADLINES**
7 **PENDING THE OUTCOME OF THE MDL MOTION**

8 Any events, dates or deadlines set by the Local Rules or Federal Rules of Civil
9 Procedure, including the Local Rules for Alternative Dispute Resolution ("ADR Local Rules")
10 and Federal Rules of Civil Procedure 16 and 26, and any deadlines established in any case
11 management order applicable to this case are hereby stayed pending the outcome of the motion
12 to transfer and coordinate or consolidate pursuant to 28 U.S.C. § 1407 ("MDL Motion").

13 Upon the determination of the MDL Motion, if it is necessary for the Court to
14 reschedule a case management conference, the parties shall adjust the dates for any conference,
15 disclosures or reports required by the ADR Local Rules and Federal Rules of Civil Procedure 16
16 and 26 accordingly.

17 The parties shall notify the Clerk of Court within 10 days of the decision on the
18 MDL Motion.

19 **IT IS SO ORDERED.**

20 Dated: 11/7/05


21 Honorable Marilyn H. Patel
22 United States District Court Judge
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